

#5 Prior Art
Morgan 11/10/03IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Joel R. Goergen

Serial No.: 10/068,745

Examiner:

Not yet assigned

Filing Date: February 5, 2002

Group Art Unit:

2841

Title: METHOD OF FABRICATING A HIGH-LAYER-COUNT BACKPLANE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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INFORMATION DISCLOSURE STATEMENT

TECHNOLOGY CENTER R3700

Sir:

This Information Disclosure Statement is submitted:

 under 37 CFR 1.97 (b); or

(Within three months of filing national application; or date of entry of International application; or before mailing date of first office action on the merits; whichever occurs last)

 under 37 CFR 1.97 (c) together with either a: Statement under 37 CFR 1.97 (e), or
 a \$180 fee under 37 CFR 1.17 (p); or

(After mailing of first Office Action, but prior to Notice of Allowance or Final Office Action)

 under 37 CFR 1.97 (d) together with: Statement under 37 CFR 1.97 (e), and
 a \$180.00 fee set forth in 37 CFR 1.17 (p).

(Filed after final action or notice of allowance, whichever occurs first, but before payment of the issue fee)

 Applicant(s) submit herewith Form PTO 1449- Information Disclosure Citation together with copies of patents, publications or other information of which applicant(s) are aware, which applicant(s) believe(s) may be material to the examination of this application and for which there may be a duty to disclose in accordance with 37 CFR 1.56.

It is requested that the information disclosed herein be made of record in this application.

Any deficiency or overpayment should be charged or credited to deposit account number 13-1703. A duplicate copy of this sheet is enclosed.

Customer No. 20575

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

Stephen S. Ford
Reg. No. 35,139

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
Date: October 30, 2003

Christina Lawton
Christina Lawton

MARGER JOHNSON & McCOLLOM, P.C.
1030 SW Morrison Street
Portland, OR 97205
503-222-3613



3729

PATENT APPLICATION
Attorney's Do. No. 3981-034

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: Joel R. Goergen

Serial No. 10/068,745 Examiner: Donghai Nguyen

Filed: February 5, 2002 Group Art Unit: 3729

For: METHOD OF FABRICATING A HIGH-LAYER-COUNT
BACKPLANE

Confirm. No. 9219

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TECHNOLOGY CENTER R3700

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P.O. Box 1450
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Enclosed for filing in the above-referenced application are the following:

- IDS Statement & 1449(Modified)
- Six Exhibits
- Return Postcard
- Any deficiency or overpayment should be charged or credited to deposit account number 13-1703. A duplicate copy of this sheet is enclosed.

Customer No. 20575

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

James E. Harris
Reg. No. 40,013MARGER JOHNSON & McCOLLOM, P.C.
1030 SW Morrison Street
Portland, OR 97205
503-222-3613

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Patents, P.O. Box 1450, Alexandria, VA
22313-1450
Date: November 19, 2003

Lauren Ballard-Gemmell



ATTORNEY DOCKET NO. 3981-034

IN THE

UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Joel R. Goergen

#6/IDS
12-2-03

Serial No.: 10/068,745

Examiner:

Donghai Nguyen

Filing Date: February 5, 2002

Group Art Unit:

3729

Title: METHOD OF FABRICATING A HIGH-LAYER-COUNT BACKPLANE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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DEC 01 2003

INFORMATION DISCLOSURE STATEMENT TECHNOLOGY CENTER R3700

Examiner Nguyen:

The above-referenced application was one in a series of applications (five total), based on a common specification, filed on February 5, 2002. Each application was filed in the United States with a Request for Non-Publication. The applicant(s) later elected to file foreign applications claiming priority to each corresponding U.S. matter. Corresponding PCT applications were filed September 3, 2002, and the foreign applications in Taiwan on February 6, 2003.

Under CFR 1.213(b) the applicant(s) filed a Request for Nonpublication-Rescinded with the USPTO, for each US application. The requests included a certificate of mailing showing a July 31, 2002, filing date. The resulting Rescissions, had each been properly processed, were well in advance of any subsequent foreign filings.

The first application in the sequence, attorney docket number 3981-007, serial number 10/068,616 (hereafter '616), was processed by the USPTO in the customary manner. A corrected filing receipt was mailed showing a projected publication date of August 7, 2003.

The following Requests, filed together and in sequence with the '616 application Request, were evidently not processed correctly. The applicant(s) can only presume the Requests for the remaining applications were kept with the '616 application, by a Patent Office assumption they were either duplicates or additional forms intended for the '616 application. The applicant(s) made several attempts to locate the documents through telephone communication to the USPTO and through a physical search of the available files conducted by a Washington DC firm with a Power to Inspect. The documents were not recovered. The recommended course of action by the Pre-Grant Division was to resubmit copies of the

originally filed Requests to Rescind the Notice of Non-Publication in each case by facsimile directly to the Pre-Grant Division to avoiding the chance the documents could be placed in the backlog, possibly for the second time.

A copy of the original requests were resubmitted by facsimile on June 13, 2003.

Upon resubmission, the Requests to Rescind the Non-Publication were accepted, and given projected publication dates based on the February 5, 2002, original filing date. For this application specifically, the projected publication date was September 25, 2003. The provision of an expedited publication suggests accountability by the Pre-Grant Division that the July 31, 2002, documents were misdirected or lost while under control of the USPTO.

The enclosed materials represented as Exhibits A through F, are to establish the mishandling of filed documents to the PTO with respect to the Rescission of Non-Publication in the above referenced application. Based on the facts presented, we respectfully maintain that the Rescission of Non-Publication was actually received by the PTO before we filed any foreign application, and therefore this particular application, as with the other adversely effected applications in the series, are still active matters for patent prosecution and not subject to abandonment.

This Disclosure Statement is submitted:

Applicant(s) submit herewith this Statement together with a list of Exhibits, which applicant(s) believe(s) may be material to the examination of this application.

It is requested that the information disclosed herein be made of record in this application.

Any deficiency or overpayment should be charged or credited to deposit account number 13-1703.

Customer No. 20575

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.


James E. Harris
Reg. No. 40,013

MARGER JOHNSON & McCOLLOM, P.C.
1030 SW Morrison Street
Portland, OR 97205
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Date: November 19, 2003


Lauren Ballard-Gemmell

PATENT APPLICATION

Atty. Docket No.: 3981-034 Serial No. 10/068,745
Applicant: Joel R. Goergen
Filing Date: February 5, 2002 Group: 3729

**INFORMATION DISCLOSURE CITATION
FORM PTO-1449 (Modified)**

U.S. PATENT DOCUMENTS
None

FOREIGN PATENT DOCUMENTS
None

OTHER DOCUMENTS

<u>Examiners</u> <u>Initial</u>	<u>Ref.</u>	<u>Description</u>
—	Ex. A	Original Submission Request for Non-Publication-Rescinded Serial No. 10/068,745; dated July 31, 2002; 1 page
—	Ex. B	Original Submission Request for Non-Publication – Rescinded Serial No. 10/068,616; dated July 31, 2002; 1 page
—	Ex. C	Corrected filing receipt for '616 application; dated September 9, 2002; 2 pages
—	Ex. D	Resubmission copies of Request for Non-Publication-Rescinded and coversheet Serial No. 10/068,745; dated June 13, 2003; 2 pages
—	Ex. E	Notice Regarding Rescission Serial No. 10/068,745; dated June 13, 2003; 1 page
—	Ex. F	Notice of Publication Serial No. 10/068,745; dated September 25, 2003; 1 page

Examiner: _____

Date Considered: _____